G R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1907
(Miscellaneous)

File No. 102

Serial Nos. 1-4 I

Papers Filed.

Month August 1908

SUBJECT.

Directing the assumption by Govt of the Management of Jangam Matt in Mamandpet Bangalore city

PREVIOUS REFERENCES	LATER REFERENCES
	357—09

Muz. 8] 1907.

ETARIAT.

—

TE.

—

File No. /2-7

SUBJECT.

Re the affairs of the Ganjam matt in mamool pet Bangalore city.

From

The Dy. Commissioner, Bangalore District

No. 125 dated 5th may 1908.

(Slip A) Ishtghana Swachara Swamy, Bangalore petitioner this office states that the Ganjam matt in mamulpet Bangalore is a muzrai institution endowed with Inam land, that he is the duly constituted Swamy of the matt, that Gurulasappa who constitutes himself as the manager of the matt during the time of the petitioner's predecessor, has taken up the management of the matt properties and has been

acting

File No. 102 of '07 Muzrai Secretariat.

the income therefrom without rendering any accounts and that Gurubasappa has been declared an insolvent in Bangalore Sub. judge's Court and has legally become unfit to be the manager. He prays that Gurubasappa may therefore be removed from office and that either the petr. or any other competent person may be appointed in his place.

The petition was forwarded for report to the Dy. Commr. Bangalore Dist. and that officer has submitted his report thereon together with the records of enquiry.

From the Amildar's detailed Kannarese report on the subject, it is observed as follows: —

Gurubasappa deposes (Slip B that the petn's. statement is false, that the math in question is not a Govt. instn., but it is the self-acquired property of the

Muz. 8 A]

Muzrai Secretariat File No. of 190 /

late Nanjunda Swamy, that the Muzg. Dept has no manner of right to call for accounts.. That the pete Swamy is a mere servant subordinate to him and has executed a Karar in this behalf. He further states that he has been managing the matt since 1898 under the authority of the will executed by the late Nanjunda Swamy, and has sold a shop belonging to the matt as desired by the latter and admits that he has since been declared an insolvent in courts.

(Slip B,)

Copies of the will and the Karar have been received.

(Slip C)

The will dated 29th Jany. 1898 is alleged to have been executed by the late Narsimha Swamy

File No. 102 of 1907 | Muzrai Secr

in favour of Gurubasappa at present
to say that after the death of
Nanjunda Swamy, Gurubasappa
should manage the institution
and its endowments and nominate
his successor, and that the insti-
was founded with a view to teach
Sanskrit to indigent students and
feed them.

The Karar is dated 16th (Slip D
July 1900. The petn. is stated to
have executed it in favour of
the counter petitioner. Sivachara
Swamy states therein that he is
desirous of remaining in the
math for some time and that
some moveable properties given
by Gurubasappa are in his possession;
& requests that he may be given
some pecuniary help to enable him

GPB—3,000—25-9-07

Muz. 8 A]

Muzrai Secretariat | File No. 102 of 1907.

To conduct Siva Puja, feed Linga-yat students and for other purposes-
He binds himself to attend to the duties imposed on him on-pain of his removal from the institution if he fails to act up to the conditions

It is expected that the matt in question goes by the name of "Gavijam matt" though its proper name is "Ramoolpet gavigam matt", called so probably on account of its having been presided over by a gavigam of Gavijam.

The matt is endowed with Devadaya Enam land S. no. 14 measuring 4-9-14 and assessed at Rs 4-8-0. (vide extract of the Enam register in the file of record.

(Slip E)

File No. 102 of 1907 Muzrai Secretariat

The land is reported to be in the enjoyment of Sippa Setty matt.

Mahanter Waseem, Gurm of the Sippa Setty matt states (Sup F that the management of mamul- pet matt vests with him, that he has the power to appoint Gurus to this matt, that the peter servant was duly appointed by him with the consent of the late Vanjinda swamy. that the matt lands has been in his possession and that he has no objection to part with it for the benefit of the mamulpet matt for which it is intended

Vanjundappa, Patel of Sulekere (Sup G deposes that the Inam lands in the possession of Sippa

Mu[illegible]8 1]

Muzrai Secretariat | File No. 102 of 190 7

Selly matt, the quit rent thereon is being paid by that matt and that the land is Kanjar and has not been brought under cultivation for the last 10 or 12 years

The Amildar states that a perusal of the under mentioned documents goes to show that Mannepet matt was originally in possession of Zippa Selly matt

(Slip 4) (1) Mortgage deed of the year 1867 This was executed by the Swamy of the Zippa Selly in favor of Chendranna & purports to say that a (3008) was mortgaged for a sum of ~~Rs~~ 500/-

(Slip 5) (2) Kanan of the year 1885 whereby Mahanter Waseem of Zippa Selly matt has made over the Mannepet matt to Chennaveera Setty

File No. 102 of 190 7 | Muzrai Secretariat

who as Dharmakarta should
arrange for Siva Puje and other
Services in Mannelpet matt and
improve the efficiency of the
institution.

(3) Deed of gift of the year 1885. (Slip J

In this document Mahanta
Warden of Sippa Setty matt
and Chennaneera Setty who re-
deemed the mannelpet matt
on payment of the mortgage
amount, have gifted the matt
under reference to Nanjunda Swamy

(4) Deed of Gift of the year 1886 (Slip K
making a gift of a house to
Mannelpet matt.

(5) (ಕ್ರ ಸಂ ಸೇರಿಸಿದ್ದಾಗಿದೆ). In this document (Slip L
it is stated that the Chandrials
to whom the mannelpet matt
had been mortgaged by Gowrisiddappa

Muzrai 8 A]

Muzrai Secretariat | File No. 102 of 190

of Sippa Setty mutt, has made over the former institution to to chennaveerasetty on receipt a sum of Rs 650 from the former

(Slip M) from the Hypothecation Deed of 1880. & Sale deeds of 1886, it is clear that a house purchased by chennavera Setty was sold to Mamulpet mutt

(Slip N) From copies of certain Inam records. it will be observed that the Inam land was given to the mutt in question as it was then in a ruined condition and the travellers resorting thereto were propagated.

The Amildar states that in spite of Court records. it is mentioned in the will that the mutt is the self-acquired

property of Nanjunda Swamy and that the counter-petitioner should be the manager and that the will is not ~~a~~ attested by Settars, pejamanars and other respectable witnesses. He reports that from mortgage deed of 1864, it is clear that Banavar people has entertained from the beginning the idea of converting the matt into their private ~~Secretary~~ property. That Gundasappa states that the petr Swamy is his subordinate, and cannot exercise any right over the matt, that Nanjunda Swamy handed over the Ashrama to the petr and sent him away To travel in different parts of the country, and that even

Muz. 8]

Muzrai Secretariat | File No. 103 of 1907

(Slip 6)

after the death of Nanjundaswamy Gurubasappa ~~has written~~ wrote several letters addressing the petr as the Swamy but now denies that these letters were written by him

The Amildar further reports as follows: —

The mamul pet matt is beyond doubt a very institution A large nos of devotees take interest in its well being. From perused subscription list in the file, it will be seen that large amounts were contributed to educated Lingayat students in this matt. There seems to be no doubt that the petr Swamy was the disciple of the late Nanjunda Swamy and that the former is the ~~accepted~~ recognized Swamy of the matt, otherwise he would

ide mahazar in file) Slip P.

have neither taken interest in the math affairs nor remitted the amounts collected by him in different places for the use of this math As the math is a muzrai insti. endowed with Inam land, Gurubasappa's contention that it is not a Govt insti., and that he should not be asked to submit accounts, is untenable. He has issued a notice to the persons to whom Gurubasappa has rented out the math properties not to pay the rent to him until further orders.

The Amildar adds that it is a matter for consideration how far the will executed by Nanjunda Swamy can stand and gives it as his opinion

Mdrs. 8 A]

Muzrai Secretariat | File No. 10 of 190

That the result of a critical examination of the Will shows that it should not have been willingly executed by Nanjunda-swamy the Amildar solicits orders for removing Gurulingappa from the management of the mutt and also for resuming the mutt properties alienated by Gurulingappa and restoring them to the institution

(Paper under disposal) The Dy Commissioner has submitted his lengthy report on the subject. In the course of his report he states that it was in fact, with the funds that Chitgkana Sivacharya was able to collect that the so-called Self-acquired properties of Nanjundaswamy were purchased

File No. 102 of 1907 | Muzrai Secretariat

and improvements effected to the
matt buildings and that the
contention that the petr swamy
is the Agent of Sunthasappa
is, in spite of the agreement
to that effect executed by the
former, one which cannot be
countenanced as it would amount
to making the petr swamy
subordinate to his own disciple.
He further states that it has
been clearly proved by the
statement of the Desadee Setty,
Gejaman and other respectable
persons in the city that the matt
in question is a mutt. instn.
and that the petr is the only
appointed swamy of the matt
in succession to Varijnadaswamy.
He says that the properties

M 2. 8 A]

Muzrai Secretariat	File No. of 190 /

which Gurulingappa has sold to others will have to be resumed and handed over to the matt and Mai on receipt of Govt orders, further steps will be taken in the matter

11.6.10 Submitted for orders

P T O

File No. of 190 Muzrai Secretariat

GPB—3,000—25-9-07

Muz. 8 A]

Muzrai Secretariat	File No. of 190

Muzrai Secretary's Remarks.

The question regarding the resumption and restoration of certain -- properties belonging to the Ganjam or Jangam Matt is involved in some legal difficulties. If the properties consisted only of Inam lands granted by Government as Devadaya to the Matt, steps ---- could have been taken under the terms of the Noti -fication of 1877 which relate only to " Inam Lands." In the present case however, the properties consist of houses &c. granted by private --- individuals and have passed out of the possession of the Matt to private paties. There is no law authorizing Govt. to interfere with such alienations and it is doubtful whether any orders --- issued on such matters by the Govt. can be effect -ively enforced. I think this is a matter for adjudication by the Civil Courts. The Government

Advocate's

GPB—3,000—22-6 06

File No. of 190 Muzrai Secretariat

GPB—3,000—25-9-07

Muz. 8 A]

Muzrai Secretariat	File No. 102 of 1907

Advocate's opinion may be taken in the matter.

542

Submitted to the

Second Councillor.

Secretary.

12-6-08.

77/13/6/08

The question is a complicated one. The Govt Advocate's opinion may be taken. In a case of this kind, when matt properties are alienated by unscrupulous Agents, is the Government to look on helplessly? Is there no means of setting matter rights without going to civil Court?

13/6/08

5610 with file
15-6-1908

Forwarded to the Government Advocate for favour of opinion

By order

(Camp Mysore 13th 08)

GPB—3,000—22-6-06

File No. of 190 Muzrai Secretariat

GPB—3,000—25-9-07

Muz. 8 a]

Muzrai Secretariat | File No. 102 of 1907

No: 282

MYSORE GOVERNMENT 5072 17.6.08 MUZRAI SECRETARIAT

arm of opinion that the Muzrai department has no power to interfere with the possession of third persons of property endowed by private individuals for the maintenance of religious and Charitable institutions, even though the same may have been wrongfully diverted from the purpose intended by the donor. The only Course open to those interested in the institution is to invoke the aid of Civil Courts in framing and carrying out a scheme for the due administration of the property endowed. — An Inam land granted by Govt & wrongfully alienated may of Course be summarily resumed and restored to the institution by the executive

S. Narayana Rao
Govt Advocate

17th June 1908

Recd 17/6/08 Submd 18/6/08

File No. 102 of 1907 Muzrai Se

Muzrai Secretary's remarks:—

May the Petitioner be informed through his Advocate that the remedy in the case should be obtained through the Civil Courts and that Government cannot interfere? 562 30.6.08.

Subt.d to 2nd Comdr.

Ittanabhavi Rao
30/6/08

The case may be posted for hearing - the Contending parties (& the Comildar) being asked to be present in the Dharwar Office on 27/7/08

27

Muz. 8A]

Muzrai Secretariat. File No. 122 of 1907

The case was heard by the 2nd Commissioner on the 21st July 1908.

Petitioner Chidghana Sivacharya Swami was represented by Advocate Mr. D. Venkataramaiya and Counter-Pet. Gurubasappa by advocate Mr. B. Subbanna. Pl. days and Alden watched the case on behalf of Govt.

Mr. D. Venkataramaiya on behalf of the Pet. Swami represented the facts of the case as detailed in the Dy Commissioner's Report No. 125 dated 5th May 1908 and urged that the institution and its properties should be taken under Govt. management and quoted precedents showing that even in regard to private charities the Govt had the power to interfere

GPB--3,000--22-6 06

File No. 192 of 1907 | Muzrai Secret

when such charities were misappropriated and bad matters right. The matt in question being a Muzrai inst^n it was urged that it behoved Govt. in the Muzrai department to assume its management seeing in... its affairs were mismanaged.

On behalf of Swambasappa it was represented that the Pet^r Swami had no right to the properties belonging to the matt in question, that Nanjundaswami the previous ~~Deceased~~ Swami of the matt was a tradesman, that the matt was a private institution, that the matt in question is not the Jangam matt to which the Devadaya inam land is attached, that the inam land is in possession of the Nippani matt and that ever

Muzrai Secretariat. | File No. 102 of 1907

if it is considered that the Govt have no right to take away the property vested by Govt and that the whole matter was one in which the Govt could not interfere & that there was no act of malversation on the part of the Counter petitioner Gurubasappa. It was urged that under the Will executed by Nanjunda Swami and the Karar executed by Chidghana Sivacharya Swamis, Gurubasappa had the right to continue in management as heretofore.

From the records received with the Dy Commrs letter under disposal it is observed as follows.

In the statement furnished by the Amildar of the Bangalore Taluk on the 29th June 1877 & the Sirsta Diskarkuns

GPB—3,000—22-6 06

GPB—3,000—22-6 06

File No. 102 of 190 7 Muzrai Secretariat.

it is alleged that according to the Survey Khetwar Patrik of the year 1875-76, land Survey No 14 Measuring A 7. G 14 in the Village of Sulekere Bangalore Taluk, was in the enjoyment of one Gurusiddaiah Hoder of the Hippasetti Matt as Manager or Vicharane Karta of the Mannulpet Matt At the Inam Settlement in 1878, the aforesaid land was confirmed as "Devadaya" inam on a Jodi of Rs 1-8-0 to the Jangam Matt situated at Mannulpet for its support. The Matt in question is therefore a Muzrai institution and the Devadaya inam land was in the possession and enjoyment of the Hippasetti Matt. From the correspondence relating to the compensation awarded by Govt for the acquisition of the Matt's inam land for

Muz. 81]

Muzrai Secretariat. File No. 102 of 1907

for the [illegible] existing the Central Jail and the Nagadi road. it is observed that the Jangam matt in Mannulpet was under the control of the Nippani Matt and that the former was a branch of the latter from the Khaneshumari accounts of the year 1836 it is observed that the matt at Mannulpet was presided over by one Aiya of Jangam and in the succeeding years it is stated that Channaveera Vader was residing in the matt. In the year 1847, Channaveera Vader mortgaged the inam land attached to the matt to one Kallaveerappa for Rs 80 and Gurusidda Vader of the Nippani Matt redeemed the mortgage in the year 1862 In the year 1867

File No. 102 of 1907 Muzrai Secretariat.

Gurusiddawodeyar of the Nippani ~~Mutt~~ Mutt mortgaged the Mutt building in Mannulpet ~~Mutt~~ to one Chendramma for Rs 500 and in 1886, Chandramma hypothecated the property to Channaveeraswamy for Rs 650. This Channaveeraswamy gifted the Mutt building to Heggunda Nanjundaswami, Mahant wodeyar the present Swami of the Nippani Mutt - as Manager of the Mannulpet Mutt acquiescing in the transaction. The Nippani Mutt received the compensation awarded by Govt when the inam land of the Mannulpet Mutt was acquired and obtained on behalf of the latter, separate land in lieu in lieu of that acquired. Thus, it will be seen that the Nippani Mutt was the Chief Mutt, the Mannulpet Jangam Mutt its branch -

Muz. 8A]

Muzrai Secretariat. File No. 102 of 1907

Neggunda Nanjundaswami after maintaining the Jangama Math collected subscriptions and added on houses and other properties to the math. Out of the income of the properties, he was conducting feeding &c in the Math and also maintained a Sanskrit Pathasala therein. He died on the 29th January 1898. On the same day he made over the properties to Gurubasappa under a will executed by him. The pet. Chidghana Sivachar swami who was the disciple of Nanjundaswami was absent when the latter died and returned to Bangalore subsequently. The Muppasetty math Swami has stated that the succession of Chidghana Sivachar swami was recognized by Nanjundaswami and was

math and its

GPB—3,000—22-6-06

acquiesced by him. On the 14th July 1900, Chidghana Sivachar Swami executed a Karar in favour of Gurubasappa binding himself to remain in charge of the Matt, conducting the charities under Gurubasappa's direction as he thought that such an arrangement would tend to the better management of the Matt.

It appears from the records that Gurubasappa has alienated the properties of the Matt and has himself become an insolvent. The petn. Swami and the Sr. Hs., Yejaman and other disciples of the Matt have, under the circumstances, urged that the management should be resumed from Gurubasappa and restored to the Swami

riat. File No. 102 of 190 y

In this case it is urged by the Counsel for Gurubasappa that the Govt in the Muzrai Department cannot interfere in the matter.

From the days of the Chief Commr the policy of Govt has been, even in regard to private institutions, save that all public, charitable and religious institutions are properly managed, and instances are not wanting to show that in several such cases, the Govt have interfered and assumed management The Jangam Matt in Mamulpet in question is a Muzrai institution being endowed with Devadaya inam land and the question which has come up before Govt is a glaring case of mismanagement by private

GPB—3,000—22-6 06

individuals, of endowments made by charitably disposed persons.
Gurubasappa has grossly mismanaged the affairs of the Math and misappropriated the income from its endowments.
Under the foregoing circumstances, the management should be resumed from Gurubasappa and restored to the Swami as recommended by the local Officers. The Math, its Devadaya inam land and other properties belonging to it should be taken possession of by the Deputy Commr in the Muzrai department and proper arrangements made for their administration through the Amildar of Bangalore like other Muzrai institutions.
Nanjundaswami, the last presiding Swami of the Math had no power

Muz 8A]

Muzrai Secretariat. | File No. 102 of 1907

will in any the properties belonging to a Muzrai institution in the manner he has done and the Karar executed by the present Swami in favour of Gurubasappa is of no avail as the properties and the Matt mentioned in the Karar are not private property which could be disposed of under the sweet will and pleasure of any private individual. The Govt. in the Muzrai Department being the sole custodians of the Matt and its properties, the will and the Karar are null and void. The institution and its endowments should therefore be assumed by Govt. After assumption, the Dy Commr. should submit a scale of expenditure in the Matt consistently with the income for sanction of Govt. The Dy Commr.

GPB—3,000—22-6 06

File No. 102 of 190 7 Muzrai Secretariat.

Std. ed also report in consultation with the leading Lingayat disciples of the Matt whether the present Swami is competent by learning and other qualifications, to succeed to the Ownership of the Matt in view to his succession being formally recognized by Govt. in accordance with the Rules laid down in Govt. Pro: No 233-42 dy 14th Dec. 1892.

12/
B.S.08 A draft order on the case is submitted submd for approval
to 25/7/08
2nd Cy

CSB
3/8/08

Approved
KPN
7/8/08

17
8.8.08 Subd to the Dewan also as the Case involves an important question of principle

10012
8/8/08

CSB
8/8/08

Before the Government of His Highness
the Maharaja of Mysore,
Muzrai Department,
BANGALORE.

The humble petition of
Sree Chidghana Sivachārya
Swami of the Ganjam Matt
Ramool Pett, Bangalore City.

Most respectfully sheweth,

(1) That your Memorialist is the duly constituted Swami of the Ganjam Matt situate in Ramool Pett, Bangalore City.

(2) That in the City of Bangalore and also in the moffusil the Memorialist is held in high esteem by several members of the Lingayat community as the Swami of the said Matt and that your Memorialist has also been recognized as the Guru of the said Matt by the Chief Guru Sree Jagadguru Murga Rajendra Swami of Chitaldrug.

(3) That the said Matt is a Muzrai Institution inasmuch as there is a small Inam land attached to it as per Register sheet No.333 issued by the Inam Superintendent, Mysore, and also the said Matt is endowed privately to a considerable extent in the shape of houses, shops &c in the Bangalore City and some lands outside Bangalore.

(4) That one Gurubasappa who constituted himself the Agent of the Matt during the time of

the

the predecessor of the Memorialist took up the man-
-ment of the Matt properties and that he has been
enjoying the same without rendering any accounts to the
Memorialist and without paying any income to the
Memorialist for the maintenance of the position of
the Memorialist and for the upkeep of the Matt.

(5) That the endeavour of the Memorialist to
bring the said Gurubasappa to reason and to make him
to render accounts has all proved fruitless.

(6) That the said Gurubasappa has since been
declared an Insolvent in M's: Case No.220/06-07 on
the file of the Sub Judge, Bangalore and has thus
rendered himself incompetent in the eye of law to
continue as Manager of the Institution any longer.
An authenticated copy of the order therein is here-
-with submitted for reference.

(7) That the said Gurubasappa has been en-
-deavouring by various means to take forceable pos-
-session of some of the houses attached to the Matt and to
deprive the Memorialist of the income thereof which
he used to enjoy.

(8) That the complaint of the several in-
-fluential deseiples of the Matt to the Deputy Com-
-missioner, Bangalore District, to call upon the said
Gurubasappa to render accounts has met with a refusal
as stated in his endorsement No. 44 dated 29th July
1906.

(9) That the Memorialist has reason to believe that
that the said Gurubasappa has been misappropriating
the income of the Matt properties to himself and that

it is absolutely necessary in the interests of the Matt and in the interests of the Public to take such measures as the Government may be pleased to adopt to safeguard the income of the Matt from further misappropriation .

(10) That as the said Gurubasappa has legally become unfit to be the Manager, the Memorialist submits that the Memorialist may be appointed as Manager also of the said Matt or that any other person eligible in the opinion of this Hon'ble Government may be appointed as such.

For these reasons the Memorialist prays that Government may be pleased to order such enquiry as the circumstances of this case may require and pass an order removing the said Gurubasappa from the Managership and appoint the Memorialist or any other person for that post so that the position and status of the Memorialist may be preserved as heretofore.

Bangalore

/5th August 1907.

श्रीचिदानन्दशिवाचार्यस्वामि

Dft as per notes

Mr. I. V.

MUZRAI SECRETARIAT.

190 —190

From

L. ANANTASAMI RAO, Esq., B.A.,
Secretary to the Government of
H. H. the Maharaja of Mysore,
Muzrai Department.

To

The Dy Commr
Bangalore Distt

Dated

Despatched

Received

General No.
Muzrai F. No.

Enclosure No.

Has the honor to forward
very early
herewith for favor of enquiry
and report, petition recd.
no. 795 dated 16th August
1904
from the Swamy of the
Ganjam Matt, Mamool Pet,
Bangalore, Complaining of
the non-submission of
accounts by the Agent
Gurubasappa for the Matt

CPB—3,000—21-7-06

5

e are praying for

his removal from office

By order,

Secretary

26/12/17

Mr 26/12/17

inst to Mr. Swamy

Endorsement

With reference to his petition registered no. 495 dated 16th August 1907, presented there his Counsel Mr D Venkataramaya, Advocate, praying for the removal of Gurubasappa from the Agentship of the Sanjam Matt, Mamool Set, Bangalore city, Sree Chit. ghana Sivacharya Swamy of the said matt is informed that his petition has been forwarded for report to the Dy. Commr of the Bangalore Dist.

By order

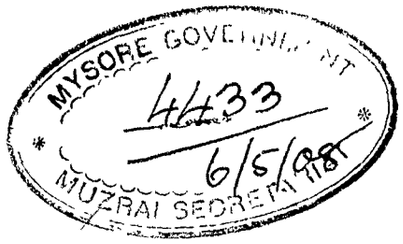
Rob

21/8/07

Dy

(7

1908. 102-07-3



Ref'd

Please put up note

5/5/08

From

The Deputy Commissioner,

Bangalore District.

To

The Secy.to the Govt.of H.H.the

Maharaja of Mysore,

Muzrai Department.

Dated 4th

Despatched 5th May 1908.

Received

General No.

M.S.No.125.

Enclosure Nos. 2 and a fil

Your No.1309 dated the 2nd Septem-ber 1907.

----oOo----

Reports with Records on the Peti-tion of the Swami of the Ganjam Matt, Mamoolpet, Bangalore City, re the mis-management of the Matt properties by one Gurubasappa.

Office of the Dy.Commissioner, Bangalore District.

M.S.No.125 Dated Bangalore, 4th May 1908.

From

B. J. Kumarasamy Naik Esquire B.A.,
Deputy Commissioner, Bangalore District.

To

L. Anantasamy Rao Esquire, L.A.,
Secretary to the Govt.of H.H.the Maharaja of Mysore,
Muzrai Department.

Sir,

With reference to your No.1309 dated the 2nd September 1907, forwarding for enquiry and report,petition No.795 dated the 16th August 1907, from the Swami of the Canjam Matt, Mamool Pet, Bangalore City, re the mismanagement of the Matt property by one Gurubasappa, I have the honor to submit herewith the file of papers ending with Yadi No.85.6 dated the 11th March 1908, from the Bangalore Sub Division Officer,together with a copy of the Title Deed, and to state as follows.:-

1. The Matt in question goes by the name of Gangam Matt, though its proper name is " Mamool Pet Jangam Matt ", called so, probably on account of its once having been presided over by a - Jangam of Ganjam.

2. The Records clearly shew that the Matt is a Muzrai Insti--tution and is subordinate to the Tippa Setti Matt also situated in the Bangalore City.

3. The Matt was originally endowed with Inam land situated in the Hanumanthapur Village, Bangalore Taluk, which was , in 1862-63, acquired for the Bangalore Central Jail and in its stead Survey No. 14, measuring 7 acres 14 guntas in extent in Sulekere Village, Kengeri Hobli, was given as Inam to the Matt. The Inam land is reported to be in the possession and enjoyment of the Swami of the Tippa Setti Matt who is willing to hand over the same to the Petitioner Swami Chidghana Sivacharya of the Ganjam Matt. The latter Matt seems to have somehow many years back, come under the management of private individuals and scaped the supervision of the Taluk Muzrai Authorities.

effect executed by the former, one which cannot be countenanced as it would amount to making the Petitioner Swami subordinate to his own disciple.

9. And it has been clearly proved by the statement of the Desada Setty, Yejaman and other respectable persons in the City that the Matt in question is a Muzrai Institution and that the Petitioner Chidghana Sivacharya is the duly appointed Swami of the Matt, in succession to Nanjundaswami. The latter had, as such, no power to will away the properties of a Muzrai Institu-tion.

10. Gurubasappa has sold some of the Matt properties and others he has rented out and has been enjoying the income there-of.

11. The Amildar has issued a notice to the persons to whom Gurubasappa has rented out the Matt properties, not to pay the rent to him, until further orders.

12. The properties which Gurubasappa has sold to others will have to be resumed and handed over to the Matt. On receipt of Government Orders, further steps will be taken in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Bangalore District.

B.N.S.

4. The Counter-Petitioner Gurubasappa's contention is that the Matt is no Muzrai Institution, that it was the self acquired property of Nanjundaswami, who was the Swami of the Matt previous to the Petitioner Swami Chidghana Sivacharya, that the Petitioner is not the duly appointed successor Swami of Nanjundaswami and that he is only his Agent permitted to reside in the Matt. In support of his contention Gurubasappa has produced two documents of which one being a Will dated the 29th January 1898 alleged to have been executed by Nanjundaswami bequeathing the Matt properties to him and the other being an agreement admitted to have been executed by the Petitioner Chidghana Sivacharya binding himself to work in the Matt under the direction of the Counter-Petitioner. The Petitioner, however, urges that the so-called agreement was executed by him, being ignorant of the consequences of his act under the belief that this arrangement would tend to the better management of the Institution.

5. The Records go to show that Nanjundaswami was only able to redeem the Matt from those to whom it had been mortgaged with the help of the money which he and the Petitioner Swami Chidghana Sivacharya collected from the devotees.

6. Besides, the letters written to the Petitioner Chidghana Sivacharya by his Guru Nanjundaswami and the Counter-Petitioner Gurubasappa, while the Petitioner was touring for the purpose of collecting funds, from the devotees in different parts of the country, clearly show that the Petitioner Swami was the Sishya of Nanjundaswami.

7. It was, in fact, with the funds that Chidghana Sivacharya was able to collect that the so-called self acquired properties of Nanjundaswamy were purchased and improvements effected to the Matt Buildings.

8. The contention, that Chidghana Sivacharya is the Agent of the Counter-Petitioner is, in spite of the agreement to that effect

Inam I-102-07

Read :-

Petition Reg'd no 795, dated 16th August 1907, from Chidghana Swacharya Swamy of the Ganjam Matt in Mamoolpet, Bangalore City, complaining against Gurubasappa, Agent of the matt in regard to the affairs of the Mutt

Letter no 125, dated 4th May 1908, from the Deputy Commissioner, Bangalore District, reporting on the above.

Order thereon :-

It is ~~observed~~ seen from the records ~~that~~ there were 3 Lingayat matts in Mamoolpet, Bangalore City known by the names of (1) Rudradevara Chowki (2) Moole matt and (3) Jangam matt. At the Inam Settlement, the marginally noted land was confirmed as Devadaya Inam for the support

Subtd
Manthia be printed?
14/7/1908

Put

Pto

No 9060/28.8.08.
Ce exemple

Sur: No. 14- Extent 4-7-04 in 14 in Sulekere village in Kengeri Hobli

of the Jangam Matt situated at Mamoolpet of Bangalore. ~~From~~ At the time of the ~~long time prior to the~~ settlement, from a long time prior to it, and ~~at that time also~~, the land and the Matt appear to have been in the management of Gurusidda Vodier of the Tippasette Matt who appears to have exercised a sort of overlordship over the Jangam matt

2. In the year 1867, Gurusidda Vodier of the Tippasetti Matt mortgaged the Matt in Mamoolpet to one Chandrama and the latter hypothecated the same to one Chenna veera Setty in 1886. Chenna-vera Setty made a gift of the Matt to one Heggundada Nanjundaswami who improved the institution and taught and fed a number of Lingayet students there. The petitioner Chidghana Sivacharya Swami

seems to have been a disciple of Nanjundaswami and whave been associated with him in improving the matt by collecting subscriptions and donations for it in all parts of the State. Out of the moneys thus earned, Nanjundaswami acquired some houses and shops adjoining the matt premises for the benefit of the institution. At the time of his death on the 29th January 1898, he executed a will under which he constituted the matt and its properties ~~and~~ as a trust for the maintenance of a suitable successor who should feed ~~the~~ travellers and also teach Sans krit to students and feed them He appointed Gowrabasappa as the Manager of the charities On 4th July 1900, Gowrabasappa entered into an agreement with ~~him a Karar executed by~~

the petitioner Chidghana Swacharya Swami, in which the latter bound himself to ~~work in the matt~~ carry on teaching & feeding Scholars in the mutt under the direction of Gwumbasappa.

3. It is alleged that Gwumbasappa has not been managing the institution properly, that he is not devoting the income to the proper conduct of the charities prescribed by Nanjundaswami and that he is not giving Chidghana Swacharya Swami the necessary facilities to teach and feed students agreeably to the intentions of Nanjundaswami. It is also stated that one of the properties, namely a shop, has been sold by Gwumbasappa and that recently, Gwumbasappa has become an insolvent. The petitioner therefore requests that Gwumbasappa may be removed from the management of the institution and other suitable made.

4 On behalf of the counter-petitioner Gowdasappa it has been contended that the matt in question is not a Muzrai Instn. and that even if it were, it is not open to Govt to interfere in the management of properties not endowed to the institution by Govt but by private individuals, that the shop was sold by him to discharge certain debts of Nanjundaswami as provided in the will itself and that he has been utilising the income of the properties for the purposes of the institution.

5. On a perusal of the records, Govt are satisfied that the institution which Nanjundaswami came into possession of in 1898 is the Mamoolpet Jangam matt to which the inam land noted in the margin of para 1 supra is attached and that it is

therefore a Muzrai Institution
Even if it were not a Muzrai insti-
tution endowed by Govt, it has
been recognised from a long time past
that Govt have a duty to see that
charitable and religious endowments
are properly managed and that in the
discharge of this duty, they can ~~interfere~~ step in
and take over the management
of such institutions and their endowments.
This policy has been laid down in
Chief Commissioner's Proceedings
No 3233-42 Rev. 544, dated 26th September 1879,
and in Govt Pro. No 53, dated 11th July 1885
and No 1719-27, dated 24th February 1903

6. In the present case, Govt
are also satisfied that the manage-
ment of the institution by Gurubasappa
since 1898 has not been satisfactory
and that it is inexpedient in
public interests to allow him to
continue in such management.
Govt therefore direct the Deputy Commissioner

to assume charge of the institution and all its properties and to submit a scheme for the formation of a suitable Committee of persons interested in the institution for its future management. The Tippasetti Matt Swami, who is in possession of the Devadaya Inam land belonging to the Mamoolpet Jangam Matt, has agreed to make over the land to the latter Matt. The Deputy Commissioner is requested to take possession of the inam land and arrange for its proper cultivation on behalf of the Matt. A report should also be submitted as to whether the petitioner Chidghana Swacharya Swami is competent, by education and other qualifications, to be the head of the Matt, & whether he is acceptable to the majority of the disciples of the matt.

The Dy Comm will also make further enquiries into the matter of the sale of the shop belonging to the matt and report whether the sale was made bonafide to discharge debts due by the matt, so that action might be taken if necessary to have the Sale set aside.

CRB 3/8/08
Secretary.

7/8/08

To

The Deputy Commissioner, Bangalore

Ref: Records.

Endn... 1 Pet.

20/8/08

1908-09

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

MUZRAI

PROCEEDINGS

Dated 28th August 1908

No. 906.

Directing, with certain observations, the assumption by Government of the management of the affairs of the Jangam Matt in Mamulpet, Bangalore City, together with all its endowments.

GPB -16-8-08—250

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—

Petition Registered No. 795, dated 16th August 1907, from Chidghana Sivacharya Swami of the Jangam Matt in Mamulpet, Bangalore City, complaining against Gurubasappa, Agent of the Matt in regard to the affairs of the Matt.

Letter No. 125, dated 4th May 1908, from the Deputy Commissioner, Bangalore District, reporting on the above.

No. 906, DATED BANGALORE, 28TH AUGUST 1908.

ORDER THEREON.—It is seen from the records that there were three Lingayet Matts in Mamulpet, Bangalore City, known by the names of (1) Rudradevara Chowki, (2) Moole Matt and (3) Jangam Matt. At the Inam Settlement, the marginally noted land was confirmed as Devadaya Inam for the support of the Jangam Matt situated at Mamulpet of Bangalore. At the time of the Settlement and from a long time previous to it, the land and the Matt appear to have been in the management of Guru Sidda Wadiyar of the Tippasetti Matt, who appears to have exercised a sort of overlordship over the Jangam Matt.

Survey No. 14. Extent. 7 acres and 14 guntas in Sulekere village in Kengeri Hobli.

2. In the year 1867, Gurusidda Wadiyar of the Tippasetty Matt mortgaged the Matt in Mamulpet to one Chandranna and the latter hypothecated the same to one Chenna Veera Setty in 1886. Chenna Veera Setty made a gift of the Matt to one Heggundada Nanjundaswami who improved the Institution and taught and fed a number of Lingayet students there. The petitioner Chidghana Sivacharya Swami seems to have been a disciple of Nanjundaswami and to have been associated with him in improving the Matt by collecting subscriptions and donations for it in all parts of the State. Out of the moneys thus earned, Nanjundaswami acquired some houses and shop adjoining the Matt premises for the benefit of the Institution. At the time of his death on the 29th January 1898, he executed a Will under which he constituted the Matt and its properties as a trust for the maintenance of a suitable successor who should feed travellers and also teach Sanskrit to students and feed them. He appointed Gurubasappa as the manager of the charities. On the 14th July 1900, Gurubasappa entered into an agreement wtth the petitioner Chidghana Sivacharya Swami in which the latter bound himself to carry on teaching and feeding scholars in the Matt under the direction of Gurubasappa.

3. It is alleged that Gurubasappa has not been managing the Institution properly, that he is not devoting the income to the proper conduct of the charities prescribed by Nanjundaswami and that he is not giving Chidghana Sivacharya Swami the necessary facilities to teach and feed students agreeably to the intentions of Nanjundaswamy. It is also stated that one of the properties, namely, a shop has been sold by Gurubasappa and that recently Gurubasappa has become an insolvent. The petitioner therefore requests that Gurubasappa may be removed from the management of the Institution and other suitable arrangements made.

4. On behalf of the counter-petitioner Gurubasappa it has been contended that the Matt in question is not a Muzrai Institution and that even if it were, it is not open to Government to interfere in the management of properties not endowed to the Institution by Government but by private individuals, that the shop was sold by him to discharge certain debts of Nanjundaswami as provided in the Will itself and that he has been utilising the income of the properties for the purposes of the Institution.

5. On a perusal of the records, Government are satisfied that the Institution which Nanjundaswami came into possession of in 1898 is the Mamulpet Jangam Matt to which the Inam land noted in the margin of para 1 supra is attached and that it is therefore a Muzrai Institution. Even if it were not a Muzrai Institution endowed by Government, it has been recognised from a long time past that Government have a duty to see that charitable and religious endowments are properly managed and that in the discharge of this duty, they can step in and take over the management of such Institutions and their endowments. This policy has been laid down in Chief Commissioner's Proceedings No. 3233-42—Rev. 544, dated 26th

Muzrai, dated 28th August 1908.

September 1879, and in Government Proceedings No. 53, dated 11th July 1885 and No. 1719-27, dated 24th February 1903.

6. In the present case, Government are also satisfied that the management of the Institution by Gurubasappa since 1898 has not been satisfactory, and that it is inexpedient in public interests to allow him to continue in such management. Government therefore direct the Deputy Commissioner to assume charge of the Institution and all its properties and to submit a scheme for the formation of a suitable committee of persons interested in the Institution for its future management. The Tippasetty Matt Swami, who is in possession of the Devadaya Inam land belonging to the Mamulpet Jangam Matt, has agreed to make over the land to the latter Matt. The Deputy Commissioner is requested to take possession of the Inam land and arrange for its proper cultivation, etc., on behalf of the Matt. The Deputy Commissioner will also make further enquiries into the matter of the sale of the shop belonging to the Matt and report whether the sale was made *bona fide* to discharge debts due by the Matt so that action might be taken if necessary to have the sale set aside. A report should also be submitted as to whether the petitioner Chidghana Sivacharya Swami is competent, by education and other qualifications, to be the head of the Matt, and whether he is acceptable to the majority of the disciples of the Matt.

For *Secy. to Govt., ~~Muz.~~ Dept.*

To—The Deputy Commissioner, Bangalore District, returning records.

Exd.—C S.